

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

IVAN WEAVER,

Defendant.

Case No. 16-cr-40012-JPG-6

MEMORANDUM AND ORDER

This matter comes before the Court on defendant Ivan Weaver's motion for a reduction of his criminal sentence pursuant to 18 U.S.C. § 3582(c)(2) and United States Sentencing Guidelines Manual ("U.S.S.G.") § 1B1.10, making Amendment 821 retroactive (Doc. 324). The Government agrees to the motion (Doc. 326).

The parties agree that the defendant is eligible for a reduction under Part A of Amendment 821, which amended U.S.S.G. § 4A1.1(e) (2023) and concerns criminal history points awarded because a defendant was under a criminal sentence when he committed his offense of conviction ("status points"). Under Amendment 821, the defendant's 2 status points are reduced to 0 status points, and his criminal history category is reduced from III to II. The result is that his guideline sentencing range is lowered. Considering this lowered range, the parties agree that a sentence reduction from 108 months to 86 months in prison on each count of conviction is appropriate. The Court agrees that Weaver is eligible for a reduction, but because of his poor disciplinary history in prison, it will not give the full requested reduction.

Accordingly, the Court **GRANTS** the motion (Doc. 324) and reduces the defendant's sentence of imprisonment from 108 months to **"time served" as of May 1, 2024**, effective February 1, 2024. The Court attaches its standard order (AO Form 247) reflecting the sentence reduction.

IT IS SO ORDERED.

DATED: January 12, 2024

s/ J. Phil Gilbert
J. PHIL GILBERT
U.S. DISTRICT JUDGE